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October 21, 2002

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

BY HAND

Marlene Dortch, Secretary
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Re: Notice of Oral *Ex Parte* Presentation;
WT Docket No. 02-55

Dear Ms. Dortch:

Pursuant to Section 1.1206(b)(2) of the Commission's Rules, this notice is being filed. On Monday, October 21, 2002, Mark J. Abrams of Mobile Relay Associates ("MRA") and I met with Kathleen O'Brien Ham, Michael J. Wilhelm and Shellie Blakeney of the Wireless Telecommunications Bureau ("WTB"), regarding the above-referenced proceeding.

During the meeting, MRA provided copies of its Comments filed in this proceeding on September 23, 2002, upon the so-called "Consensus Plan". MRA also discussed its interest in and position on the issues as set forth in the attached summary.

An original and one copy of this letter are submitted for inclusion in the file of the above-referenced proceeding. Please direct any questions to the undersigned.

Sincerely,



David J. Kaufman

Enclosure

cc: Kathleen O'Brien Ham
Michael J. Wilhelm
Shellie Blakeney
Mobile Relay Associates

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THE 800 MHZ INTERFERENCE ISSUE

The Issue

The FCC has issued a Notice of Proposed Rulemaking that seeks to resolve the interference caused to public safety and industrial licensees in the 800 MHz band by Nextel (and maybe also from other digital cellular systems). NOTE: Incumbent high-site analog SMR is not a source of interference.

Nextel's new "consensus plan" is to force incumbent licensees on channels 1-120 (part of the former General Category band) to assign their licenses to Nextel "temporarily" with the goal of Nextel one day further assigning those licenses to Public Safety.

Mobile Relay Associates' Interest

- Mobile Relay Associates is a privately-held high-site analog 800 MHz SMR licensee in Colorado, as well as an AMTA board member.

MRA causes no interference. MRA would be forced to relocate without reimbursement under Nextel's plan.

MRA previously held 800 MHz spectrum in California, which it sold to Nextel, migrating its 800 MHz customers there to the bands below **512** MHz. MRA suffered substantial disruption there, and suffered substantial customer churn to Nextel. Based upon this experience, MRA believes that any 800 MHz forced rebanding would cause approximately half its 800 MHz customers in Colorado to churn over to Nextel.

Summary of Position

The "consensus plan" does not represent a consensus

As the quid pro quo for its support, Nextel would receive a windfall of spectrum far more valuable than the spectrum it holds today. This amounts to paying blackmail to a rule violator just for ending its violations.

The General Category channels at issue are contiguous spectrum. They were originally allocated for Private Radio generally, but were re-allocated to SMR precisely because, according to the FCC's decision, (1) the band already was 75% occupied by SMR, and (2) the contiguous nature of the channels made them suitable for eventual digital-cellular use.

The FCC then sold these same channels at auction for hundreds of millions of dollars on the promise they were SMR channels and usable either as analog/ high-site or digital/cellular.

Nextel's dispatch competitors are in this band; conveniently for Nextel, this plan totally disrupts its competition.

The Better Approach

Given the number of conflicting proposals currently before the FCC, the agency should ensure that a proper record is developed on the scope of the problem, and the costs and complexities of the various proposals, before adopting a solution. In the meantime, interim technical solutions ("Best Practices") should be quickly codified in the Commission's Rules.

- Re-banding is not the solution: the Cingular-proposed long-term solution, at 700 MHz, is the best for public safety.

Congressional legislation will be necessary to realize the 700 MHz solution, but it would also be needed for any stop-gap 800 MHz solution.

From a timing standpoint, 800 MHz is no more quickly implemented than 700 MHz.